



US Army Corps
of Engineers®

Public Notice

Public Notice No. 07-48

Date: May 14, 2006

Nashville District

Application No. 200602260

Expires: June 13, 2006

Please address all comments to:

Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

Attn: Floyd M. Carnes

SUBJECT: Proposed Discharge of Fill Material for Channel Relocation and Wetland Fill Associated with Commercial Development of Rankin Branch and an Unnamed Tributary of Rankin Branch, Cumberland River Mile 236.8, Right Bank, Sumner County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 404 of the Clean Water Act (CWA)**. Before a permit can be issued, certification must be provided by the State of Tennessee, Division of Water Pollution Control, Department of Environment and Conservation, pursuant to Section 401 (a)(1) of the CWA, that applicable water quality standards will not be violated.

APPLICANT: Cypress Equities
15601 Dallas Parkway, Suite 400
Addison, Texas 75001

LOCATION: Rankin Branch and an Unnamed Tributary of Rankin Branch, Right Bank, Sumner County, Tennessee.
USGS HENDERSONVILLE, TENN. Quadrangle, Longitude: 86-30-0.0;
Latitude: 36-21-45.3

DESCRIPTION: The proposed work consists of relocating 646' of an Unnamed Tributary of Rankin Branch into 983' of new relocated stream channel. Approximately 641' of the relocated stream channel would be encapsulated using bottomless culverts with openings in the culverts at strategic locations to allow sunlight to reach the stream bottom. The remaining 342' of relocated stream would be open channel. The open channel would include in-stream enhancement features, such as root wads and boulder/rocks clusters, would be placed in the new channel to allow the stream to create its own low flow channel and meanders. Prior to diverting the flow into the new channel, plugs would be maintained at the upper and lower ends of the new channel until

the new channel stabilizes. The applicant proposes to mitigate for the stream impacts by enhancing 2083' of Rankin Branch by establishing a 50' riparian buffer along both sides of the stream, planting the buffer with native vegetation, repairing any stream bank erosion, and installing deflectors at every 200' feet of stream.

The applicant also proposes to impact 0.72 acres of jurisdictional wetlands. The applicant proposes to mitigate the wetland impacts by purchasing wetland credits at the Harpeth Wetland Mitigation Bank. The applicant would purchase 1.44 acres of wetland mitigation credits, which is a 2:1 ratio.

Finally, the applicant proposes to construct three linear transportation crossings across Rankin Branch. These are arch structures which would be bottomless. The applicant also proposes to construct two temporary crossings across Rankin Branch for work on the development. The deposit of fill material associated with the linear transportation crossings meets the criteria for Nationwide Permit (NWP) # 14.

The purpose of the channel relocation and wetland fill is to facilitate the construction of a proposed commercial retail development.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The applicant contracted for a phase I archaeological survey of the property prior to submission of the permit application. The report will be reviewed by Corps cultural resource management staff to determine if significant sites or properties exist which may be affected by this work. After review, Corps comments and recommendations will be submitted to the State Historic Preservation Officer. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals may be required for the proposed work.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **June 13, 2007**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Floyd M. Carnes, at the above address, telephone (615) 369-7503.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at:

<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact

Mr. Carnes at the above address or phone number.

USGS TOPOGRAPHICAL MAP

HENDERSONVILLE, TENN

USGS TOPOGRAPHICAL MAP

LAGUARDO, TENN

PROPOSED
STREAM RESTORATION

PROPOSED
CHANNEL RELOCATION

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EXHIBIT A

Nashville Road Ch CORPOR

HICKORY LAKE
NORMAL POOL ELEV 445



PROPOSED RELOCATED STREAM
(ENCAPSULATED)

WETLAND FILL

GALLATIN CITY LIMITS

EXISTING STREAM
MAJOR ANCHOR A

PROPOSED
RELOCATED
STREAM
(OPEN CHANNEL)

50' REPLANTED BUFFER

MINI-
ANCHOR E
30,000 S.F.
FFE=506.00

RETAIL B
7,000 S.F.
FFE=506.00

RETAIL C
4,500 S.F.

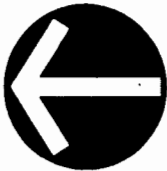
SHOPS #3B
2,400 S.F.

TENANT TAX PLAT LINE

FILE NO. 200602260

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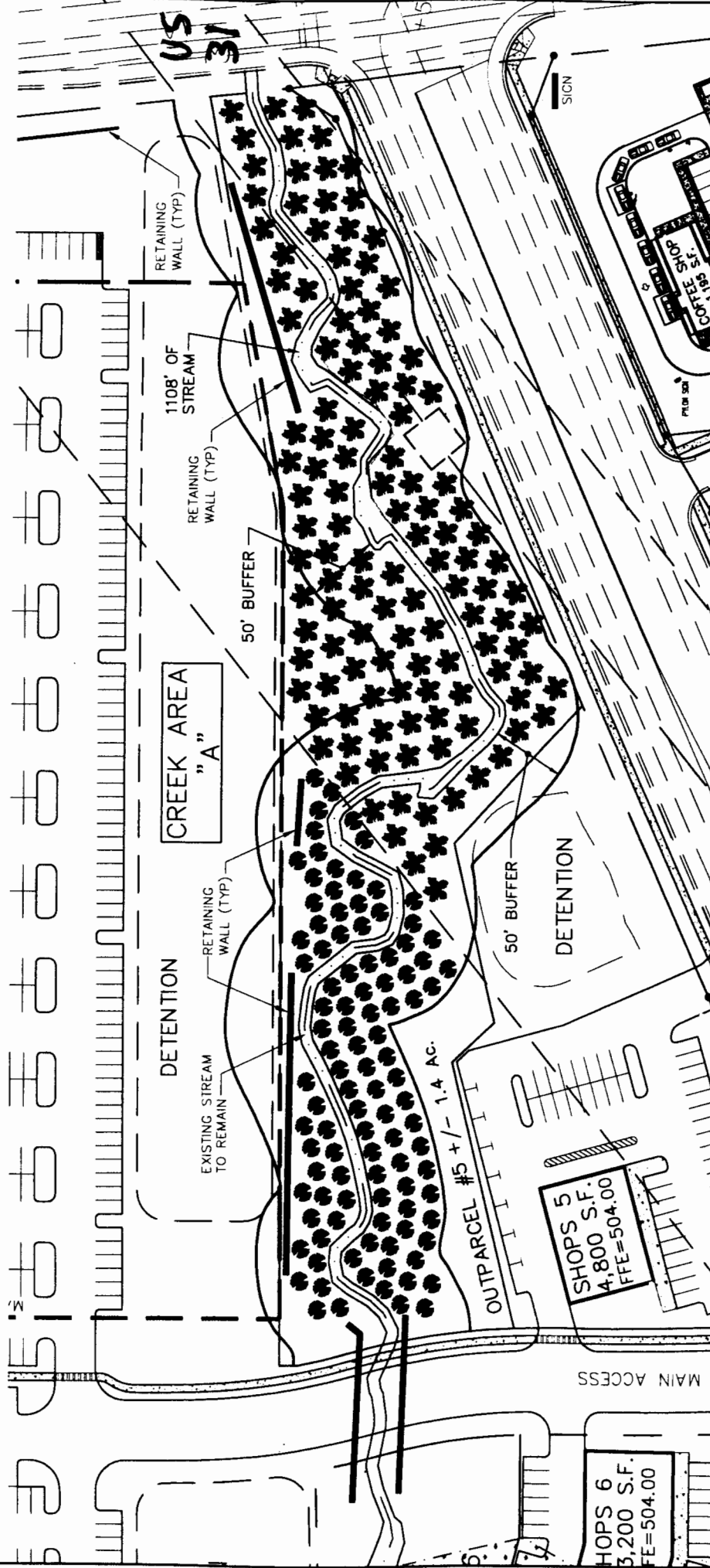
EXHIBIT B



NORTH

TREES: RED MAPLE, (*Acer rubrum*)
WILLOW OAK, (*Quercus phellos*)
SWEETGUM, (*Liquidambar styraciflua*)
SHUMARD OAK, (*Quercus shumardii*)

SMALL TREES: REDBUD, (*Cercis canadensis*)
DOGWOOD, (*Cornus florida*)
SERVICEBERRY, (*Amelanchier arborea*)
WITCHHAZEL, (*Hamamelis virginiana*)

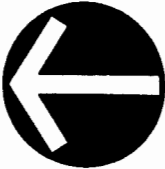


STREAM RESTORATION

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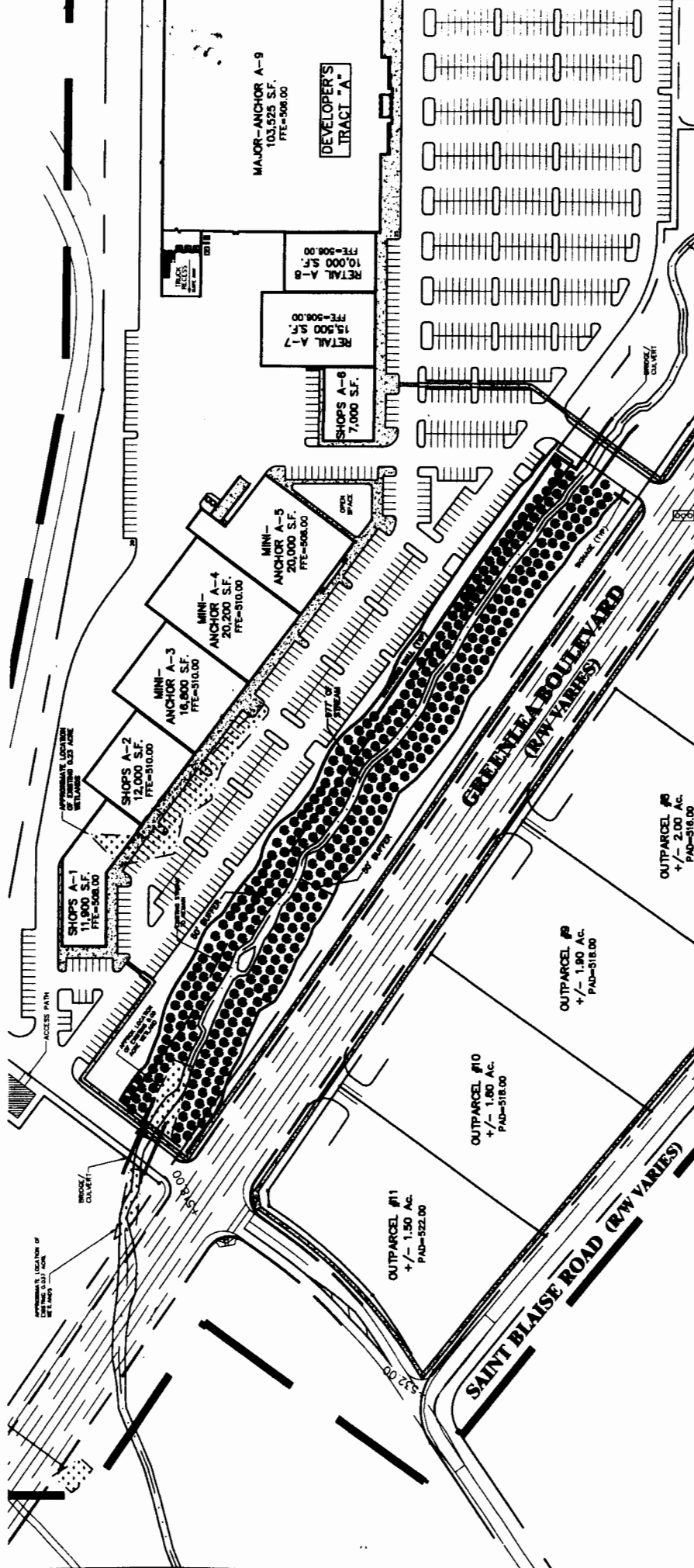
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EXHIBIT C



NORTH

- TREES: RED MAPLE, (*Acer rubrum*)
- WILLOW OAK, (*Quercus phellos*)
- SWEETGUM, (*Liquidambar styraciflua*)
- SHUMARD OAK, (*Quercus schumardii*)

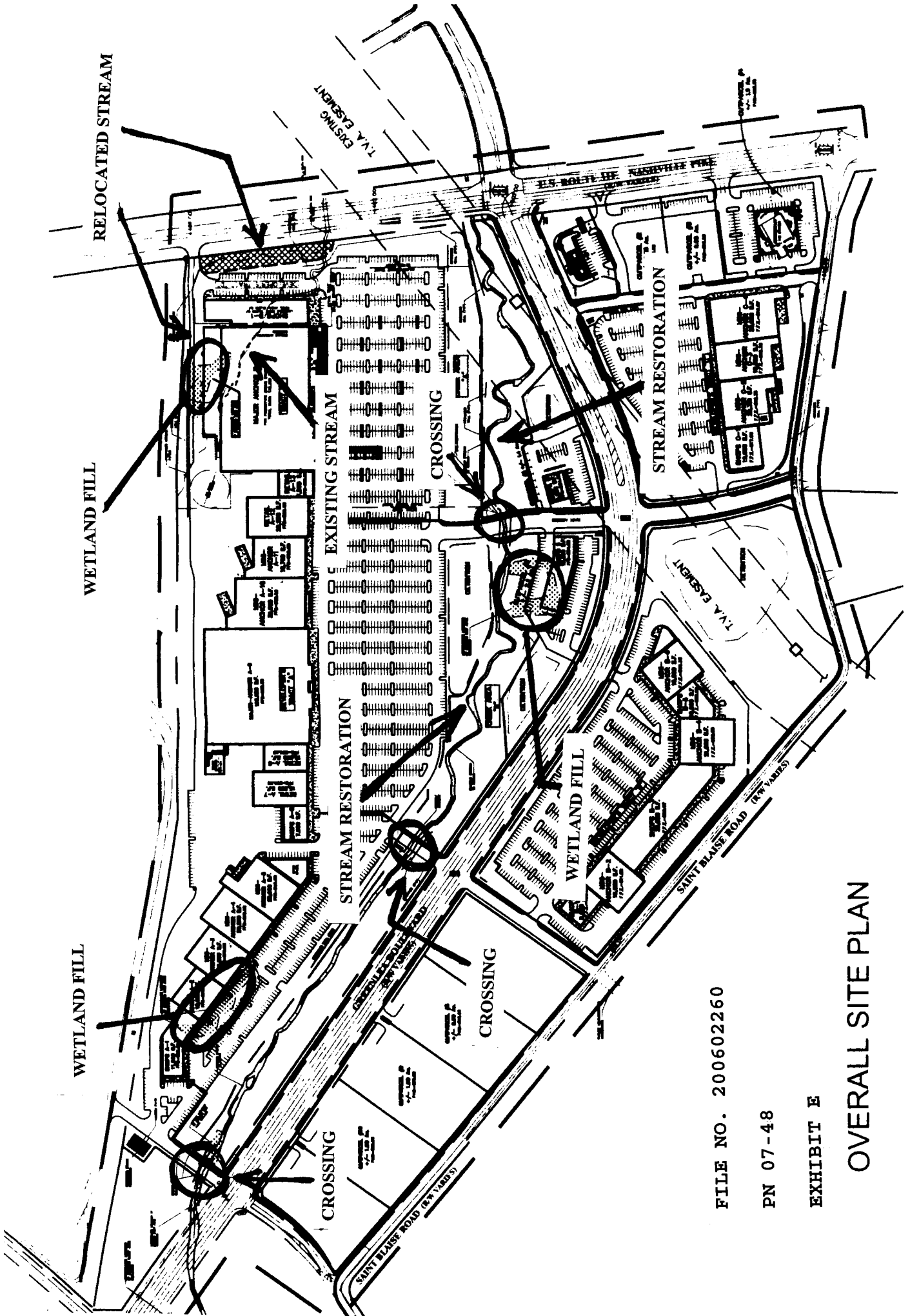


STREAM RESTORATION

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EXHIBIT D



FILE NO. 200602260

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EXHIBIT E

OVERALL SITE PLAN